

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

04/29/2002

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2001-015702

FILED: _____

CITY OF SURPRISE, et al.

BRUCE C SMITH

v.

WICKENBURG JUSTICE COURT, et al.

WICKENBURG JUSTICE COURT
JUDGE JOHN C HENRY
155 NORTH TEGNER SUITE D
WICKENBURG AZ 85390-0000

FRANK MAYFIELD
22841 NORTH 223RD AVENUE
SURPRISE AZ 85327-0000
WICKENBURG JUSTICE COURT

MINUTE ENTRY

This Court has jurisdiction over this Special Action pursuant to the Arizona Constitution Article VI, Section 18, of the Arizona Constitution, and Rule 4, Arizona Rules of Procedure for Special Actions.

This Court has reviewed the pleadings submitted by the parties and the oral argument heard on April 17, 2002. This case involves a Petition for Special Action by the City of Surprise after the Respondent/Judge of the Wickenburg Justice Court denied the City's Motion to Dismiss a Civil Complaint filed by Frank Mayfield, wherein the City of Surprise claimed that Mayfield had failed to file a Notice of Claim as required by A.R.S. Section 12-821.01.

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The issue is one of immunity of the City of Surprise under A.R.S. Section 12-821.01. The facts regarding Frank Mayfield's lawsuit in the Wickenburg Justice Court appear to be uncontested: Mark Mayfield failed to file a Notice of Claim in a timely fashion.

The denial of Petitioner, City of Surprise's Motion to Dismiss by the Respondent/Court was an abusive discretion for which this court may exercise its Special Action jurisdiction as Petitioner has no other speedy or adequate remedy at law.

IT IS THEREFORE ORDERED granting the Petition for Special Action.

IT IS FURTHER ORDERED vacating the Respondent/Court's order of August 6, 2001 denying Petitioner's Motion to Dismiss.

IT IS FURTHER ORDERED remanding this case back to the Respondent/Court (Wickenburg Justice Court), with instructions to grant the City of Surprise's Motion to Dismiss, and to enter an order accordingly.

Date: April 29, 2002

/S/ Hon. Michael D. Jones

JUDICIAL OFFICER OF THE SUPERIOR COURT